

Message Text

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12

ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

AF-08 ARA-06 EA-07 NEA-10 /137 W

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R 301049Z AUG 76

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 9455

INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, GATT, AU

SUBJECT: IMPLEMENTATION OF ANTIDUMPING LEGISLATION BY PARTIES
TO GATT ANTIDUMPING CODE

REF: STATE 200895

1. LIKE GATT CODE, AUSTRIAN ANTIDUMPING LAW OF 1971 PROVIDES IN ARTICLE 23 FOR TERMINATION OF ANTIDUMPING INVESTIGATION IF EXPORTERS CONCERNED VOLUNTARILY AGREE TO PRICE OR QUANTITATIVE UNDERTAKINGS. NOT WITHSTANDING SUCH OBLIGATIONS, INVESTIGATION MUST BE CONTINUED IF REQUESTED BY EXPORTERS CONCERNED. IF INVESTIGATION SHOWS NO DAMAGE TO DOMESTIC ECONOMY, EXPORTERS NO LONGER BOUND BY PREVIOUS OBLIGATIONS UNLESS THEY CONFIRM CONTINUED ADHERENCE.

2. EMB NOT AWARE OF ANY CASES WHERE GOA USED THREAT OF ANTIDUMPING INVESTIGATION TO EXTRACT, OR TO ENABLE DOMESTIC FIRMS TO EXTRACT, INFORMAL PRICE AND/OR QUANTITATIVE UNDERTAKINGS FROM FOREIGN SUPPLIERS. IT SHOULD

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BE NOTED, HOWEVER, THAT GOA DOES NOT PUBLISH INITIATION,

PROGRESS, OR TERMINATION OF ANTIDUMPING PROCEDURES EXCEPT FOR FINAL ANNOUNCEMENT THAT DUMPING WAS FOUND TO EXIST IN SPECIFIC CASES AND APPROPRIATE ACTION WAS BEING TAKEN. APPLICATIONS FOR ANTIDUMPING ACTION, NORMALLY SUBMITTED BY FEDERAL ECONOMIC CHAMBER TO TRADE MINISTRY, AND SUBSEQUENT INVESTIGATIONS TREATED CONFIDENTIALLY.

3. U.S. COMPANIES HAVE NOT INFORMED EMB OF ANY CASES WHERE GOA USED THREAT OF ANTIDUMPING INVESTIGATIONS TO EXTRACT FROM THEM PRICE ADJUSTMENTS OR OTHER UNDERTAKINGS. IT IS NOT BELIEVED THAT U.S. EXPORTS TO AUSTRIA HAVE BEEN THE SUBJECT OF DUMPING COMPLAINTS IN RECENT YEARS. IF AT ALL, GOA MAY HAVE USED PRACTICES IN QUESTION VIS-A-VIS EXPORTERS IN LDC'S AND STATE-TRADING COUNTRIES. MEEHAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTIDUMPING LAW (TRADE)
Control Number: n/a
Copy: SINGLE
Draft Date: 30 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976VIENNA07200
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760366-1814
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976085/aaaaaeetel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 200895
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 30 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 MAR 2004 by greeneet>; APPROVED <03 AUG 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IMPLEMENTATION OF ANTIDUMPING LEGISLATION BY PARTIES TO GATT ANTIDUMPING CODE
TAGS: ETRD, AU, GATT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006